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PRE-APPEAL BRIEF REQUEST FOR REVIEW

Docket Number (Optional)

MOR03334P02010US

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on September 30, 2008

Signature Karen A. Sanderson

Typed or printed name Karen A. Sanderson

Application Number

10/619,161

Filed

July 14, 2006

First Named Inventor

Mary I. Grilliot et al

Art Unit

2134

Examiner

Jacob Lipman

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).

Note: No more than five (5) pages may be provided.

I am the

☐

applicant/inventor.

☐

assignee of record of the entire interest.

See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.
(Form PTO/SB/96)☒

attorney or agent of record.

Registration number 37,825

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attorney or agent acting under 37 CFR 1.34.

Registration number if acting under 37 CFR 1.34

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September 30, 2008

Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.

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*Total of 2 forms are submitted.

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MOR03334P02010US
PATENT

STATEMENT FOR PRE-APPEAL BRIEF REQUEST FOR REVIEW

Claims 1, 2, 4-6 and 8 stand are pending and at issue. Claims 3 and 7 have been cancelled. Claims 1, 2, 4-6 and 8 stand rejected as anticipated by Larson et al (US 2004/0056089).

The clear error in the rejection is that Larson et al fails to show, or even suggest, all of the structure and/or steps recited in the claims.

Discussion

Novel Steps and Structure Recited in the Claims

Independent claim 1 recites the steps of entering a photograph image of each authorized person into a database which is maintained in a portable or hand-held computer; reading the data displayed or recorded by each token presented by a person seeking entry; and the portable or hand-held computer comparing the sent data to the database and displaying the photographic image entered on the database of the person identified by the sent data, via the display.

Independent method claim 2 recites the steps of entering a photograph image of each person of a larger population into a database, which is maintained in a portable or hand-held computer; reading the data displayed or recorded by each token presented by a person seeking entry; and the portable or hand-held computer comparing the sent data

to the database and displaying the photographic image entered on the database of the person identified by the sent data, via the display.

Independent claims 5 and 6 are directed towards a system and recite a portable or hand-held computer having a display and maintaining a database, into which has been entered a photograph image of each person to whom one of has been issued, means including an electronic reader for reading the data displayed or recorded by each token presented by a person seeking entry and for sending the read data to the portable or hand-held computer; and wherein the portable or hand-held computer is programmed to compare the sent data to the database and to display, via the display, the photographic image entered on the database of the person identified by the sent data. Contrary to the assertions in the Office Action, these steps and structure are neither shown nor suggested by Larson et al.

**Larson et al Fails to Show or Suggest the Step of Entering a
Photographic Image of Each Authorized Person into a Database
Which Is Maintained in a Portable Computer or Handheld Computer**

Contrary to the assertion in the Office Action, the step of entering a photographic image of each authorized person into a database which is maintained in a portable computer or hand-held computer is neither shown nor suggested in Larson et al, let alone shown or suggested in paragraphs 0031 and 0027 of Larson et al as erroneously asserted in the rejection. Rather, paragraph 0031 is directed to the production of "a security card, badge or tag" for each approved vendor employee, and paragraph 0027 is discussing

individual sponsor entities 70, rather than the portable handheld device reader 30 described in paragraph 0019. While Larson et al does disclose the idea of entering information about authorized persons into a database, it doesn't in any way disclose or suggest that the database should be maintained in the handheld device 30 described in paragraph 0019 of Larson et al. For this reason alone, the rejection is improper and should be withdrawn.

Larson et Al Fails to Disclose or Suggest That the Portable or Handheld Computer 30 Actually Compares the Sent Data Read from its Identifier Devices to a Database Containing Information of Each Authorized Person That Is Maintained in its Portable or Handheld Device 30

Larson et al does not disclose that the portable or handheld computer 30 actually compares the sent data read from its identifier devices to a database containing information of each authorized person, let alone to such a database that is maintained in its portable or handheld device 30. In this regard, paragraph 0072 is limited to discussing how a portable device 30 having a portable radio frequency identifier device could be used to perform the card reading functions described in paragraphs 0069, 0070 and 0071. Furthermore, it is noted that there is nothing in paragraphs 0069-0072 stating where the step of comparing the sent data to the database is performed, let alone that it could be performed in the handheld reader device 30. Additionally, while paragraph 0075 mentions distributed devices and databases at the sponsor locations, it does not state or even imply that the databases could be maintained in handheld device 30, let alone that read and sent data could be compared to a database that is maintained in a handheld device 30.

Paragraph 0076 of Larson et al adds nothing in this regard. For this additional reason alone, the §102 rejection of the claims is improper and should be withdrawn.

**The Present Office Action's Response to the
Above Arguments Mischaracterizes Larson et al**

Paragraph 3 at page 3 of the present Office Action mischaracterizes the disclosure of Larson et al. More specifically, in response to Applicants' arguments, the present Office Action asserts that "Larson et al discloses a system where vendors enroll in a database that is centrally located and also **synched to multiple handheld units (0075)**". (emphasis added). However, contrary to this assertion, there is nothing in paragraph 0075 to indicate or even imply that the databases are **maintained** in the handheld device 30 of Larson et al, let alone that read and sent data could be compared to a database that is maintained in its handheld device 30, as recited in the rejected claims. Furthermore, paragraph 3 of the Office Action further asserts that "The data stored in these handheld units includes photographs of the vendors which are displayed on the handheld devices (0071)". However, again contrary to this assertion, there is nothing in paragraph 0071 that indicates that the data is stored in the handheld units as a database. Rather, paragraph 0071 simply indicates that the card reader displays the user's photograph and other appropriate data. At best, this is an indication that the system database, which is not maintained in the card reader, forwards the specific user's photograph and data to the card reader for display.

In view of the foregoing, Applicants respectfully request reconsideration of the rejections of the claims and allowance of the case.